

**BEFORE THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION**

**Application of Education )  
Networks of America, Inc. )  
For a Certificate of Convenience )      Docket No. 2018-\_\_\_\_\_  
And Necessity to Provide Local )  
Exchange and Interexchange )  
Telephone Service )**

**APPLICATION**

Pursuant to rules 20:10:32:03 and 20:10:24:02 of the South Dakota Public Utilities Commission (“the Commission”) Education Networks of America, Inc. (“ENA”) submits this application for a certificate of convenience and necessity to provide competitive local and interexchange telephone service in South Dakota except in those areas that are served by a rural telephone company and are not open to competition. ENA offers high-capacity broadband, Wi-Fi, voice and video solutions to the K-12 education community, higher education institutions and libraries, ENA primarily through the Federal Communication Commission’s E-Rate program. Since ENA’s services include fixed, interconnected Voice over Internet Protocol (“VoIP”), ENA files this application to be able to offer VoIP service in South Dakota.

I. In support of its application, for local exchange service ENA submits the following responses to the Commission’s requests for information in rule 20:10:32:03:

(1) *The applicant’s name, address, telephone number, facsimile number, web page URL, and E-mail address.*

1. Education Networks of America, Inc.  
618 Grassmere Park Drive, Suite 12  
Nashville, TN 37211  
Telephone: (615) 312-6000  
Facsimile: (615) 312-6099  
Toll Free: (888) 612-2880  
Website: [www.ena.com](http://www.ena.com)

(2) *A description of the legal and organizational structure of the applicant's company.*

2. ENA is a Delaware corporation incorporated on December 17, 1999.

(3) *The name under which applicant will provide local exchange services if different than in subdivision (1) of this section.*

3. ENA will provide service in South Dakota under the name Education Networks of America, Inc.

(4) *The location of the applicant's principle office, if any, in this state and the name and address of its current registered agent, if applicable.*

4. ENA does not have an office in South Dakota. The company's registered agent for service of process is:

CT Corporation System  
319 South Coteau Street  
Pierre, SD 57501

(5) *A copy of its certificate of authority to transact business in South Dakota from the secretary of state.*

5. Attached as Exhibit 1 is a copy of ENA's certificate of authority to transact business in South Dakota.

(6) *A description of the applicant's experience providing any telecommunications services in South Dakota or in other jurisdictions, including the types of services provided, and the dates and nature of state or federal authorization to provide the services.*

6. ENA currently provides services as described above to schools and libraries in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Montana, New Jersey, New Hampshire, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, and Washington. Most states do not require ENA to obtain a certificate of convenience and necessity. ENA holds certificates of convenience and necessity in Tennessee and Indiana. ENA has never been denied a certificate by a state that requires carriers such as ENA to obtain certificates. ENA also holds an FCC license.

*(7) Names and addresses of applicant's affiliates, subsidiaries, and parent organizations, if any.*

7. Parent Company:

ZMC II, L.P.  
19 West 44<sup>th</sup> Street, 18<sup>th</sup> Floor  
New York, NY 10036

Subsidiaries:

TeleQuality Communications, LLC  
21202 Gathering Oak  
San Antonio, TX 78258

ENA Services, LLC  
618 Grassmere Park Drive, Suite 12  
Nashville TN 37211

*(8) A list and specific description of the types of services the applicant seeks to offer and how the services will be provided including:*

*(a) Information indicating the classes of customers the applicant intends to serve;*

*(b) Information indicating the extent to and time-frame by which applicant will provide service through the use of its own facilities, the purchase of unbundled network elements, or resale;*

*(c) A description of all facilities that the applicant will utilize to furnish the proposed local exchange services, including any facilities of underlying carriers; and*

*(d) Information identifying the types of services it seeks authority to provide by reference to the general nature of the service.*

8. (a) and (d) ENA intends to provide fixed, interconnected VoIP service to schools and libraries. This service will provide customers with the communications equivalent of traditional wireline local and intrastate long distance services for connections to and from the public switched telephone network, including essential functionalities such as access to emergency 911 service, operator services and directory assistance. Customers will be able to make and receive call in essentially the same manner as traditional wireline service customers and will enjoy access to features similar to those available with traditional wireline services.

(b) and (c) ENA will not deploy its own facilities. Its underlying carriers will provide interconnection to the public switched network, routing and call

completion functions. ENA intends to begin providing service as soon as this application is granted.

(9) *A service area map or narrative description indicating with particularity the geographic area proposed to be served by the applicant.*

9. ENA requests authority to provide service throughout the state of South Dakota, excluding those areas that are served by a rural telephone company and are not open to competition. ENA's service areas will mirror those established by the underlying incumbent carriers and concurs in the service maps of those carriers, as currently filed with the Commission and as subsequently amended. For those reasons, ENA requests that it be exempted from the requirement to provide a service area map.

(10) *Information regarding the technical competence of the applicant to provide its proposed local exchange services including:*

(a) *A description of the education and experience of the applicant's management personnel who will oversee the proposed local exchange services; and*

(b) *Information regarding policies, personnel, or arrangements made by the applicant which demonstrates the applicant's ability to respond to customer complaints and inquiries promptly and to perform facility and equipment maintenance necessary to ensure compliance with any commission quality of service requirements.*

10. (a) Resumes of ENA's management personnel are attached as Exhibit 2.

(b) ENA is responsible for all customer inquiries and complaints. The telephone number for customer inquiries and complaints is provided by ENA on each customer's bill. ENA's customer service department may be reached at (888) 612-2880. Customer complaints or inquiries from state or federal regulators may be referred to ENA's General Counsel, identified in section 17.

*(11) Information explaining how the applicant will provide customers with access to emergency services such as 911 or enhanced 911, operator services, interexchange services, directory assistance, and telecommunications relay services.*

11. ENA's VoIP service will provide customers with the communications equivalent of traditional wireline local and intrastate long distance services for connections to and from the public switched telephone network, including essential functionalities such as access to emergency 911 service, operator services, directory assistance and telecommunications relay services. Emergency calls will be routed to the appropriate emergency agency serving the originating location of the call. Customer will be able to make and receive calls in essentially the same manner as traditional wireline service customers and will enjoy access to features similar to those available with traditional wireline services.

*(12) For the most recent 12 month period, financial statements of the applicant consisting of balance sheets, income statements, and cash flow statements. The applicant shall provide audited financial statements, if available.*

12. ENA, which currently provides service in thirty-one states, has the financing and capital necessary to provide VoIP service in South Dakota. Attached hereto as Exhibit 3, is a copy of ENA's most recent audited financial statements.

*(13) Information detailing the following matters associated with interconnection to provide proposed local exchange services:*

- (a) The identity of all local exchange carriers with which the applicant plans to interconnect;*
- (b) The likely timing of initiation of interconnection service and a statement as to when negotiations for interconnection started or when negotiations are likely to start; and*
- (c) A copy of any request for interconnection made by the applicant to any local exchange carrier.*

13. (a) (b) and (c) ENA has agreements with underlying carriers such as Level 3 that, in turn, have agreements with local exchange carriers. ENA does not require additional interconnection agreements at this time to provide VoIP service in South Dakota.

*(14) A description of how the applicant intends to market its local exchange services, its target market, whether the applicant engages in multilevel marketing, and copies of any company brochures that will be used to assist in sale of the services.*

14. The primary marketing channel for ENA is through its sales representatives. ENA does not engage in multi-level marketing.

*(15) If the applicant is seeking authority to provide local exchange service in the service area of a rural telephone company, the date by which the applicant expects to meet the service obligations imposed pursuant to § 20:10:32:15 and applicant's plans for meeting the service obligations.*

15. ENA is not seeking to provide service in the service area of a rural telephone company.

*(16) A list of the states in which applicant is registered or certified to provide telecommunications services, whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory agency in the states where it is registered or certified, and a detailed explanation of why the applicant is not in good standing in a given state, if applicable.*

16. See response number 6. ENA is in good standing with all regulatory agencies where it operates and has not been denied certification in a state where certification is required.

*(17) The names, addresses, telephone numbers, E-mail addresses, and facsimile numbers of the applicant's representatives to whom all inquiries must be made regarding customer complaints and other regulatory matters.*

17. Contact for Customer Complaints and Regulatory Matters:



Kitty Ganier, General Counsel  
Education Networks of America, Inc.  
618 Grassmere Park Drive, Suite 12  
Nashville, TN 37211  
Telephone: (615) 312-6000  
Email: [kganier@ena.com](mailto:kganier@ena.com)

*(18) Information concerning how the applicant plans to bill and collect charges from customers who subscribe to its proposed local exchange services.*

18. ENA will bill customers directly. ENA typically provides services pursuant to contracts, which specify the rates, terms and conditions related to customer billing.

*(19) Information concerning the applicant's policies relating to solicitation of new customers and a description of the efforts the applicant shall use to prevent the unauthorized switching of local service customers by the applicant, its employees, or agents.*

19. ENA typically provides service pursuant to contract negotiated directly with the customer. Such contracts include the rates, terms and conditions of ENA's services. ENA uses written contracts to prevent the unauthorized switching of local service customers.

*(20) The number and nature of complaints filed against the applicant with any state or federal commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered.*

20. ENA has never had a complaint filed against it for the unauthorized switching of a customer's local exchange service or for charging customers for services that were not ordered.

*(21) Information concerning how the applicant will make available to any person information concerning the applicant's current rates, terms, and conditions for all of its telecommunications services.*

21. ENA provides rate information to individual customers and potential customers on a case-by-case basis. All customers are served through a written contract describing the rates, terms and conditions of service.

*(22) Information concerning how the applicant will notify a customer of any materially adverse change to any rate, term, or condition of any telecommunications service being provided to the customer. The notification must be made at least thirty days in advance of the change.*

22. ENA provides services pursuant to contracts, which frequently have multi-year terms. Therefore, it is unlikely that there would be any adverse change to a rate, term or condition for services provided by ENA. If however, ENA had a contractual right to revise rates, terms or conditions in a manner adverse to the customer, it would follow the notice and other applicable terms in the contract.

*(23) A written request for waiver of those rules believed to be inapplicable.*

23. ENA will not be competing with rural telephone companies to provide end-user local exchange services and requests waivers of the service obligations imposed pursuant to § 20:10:32:15. ENA will not offer any prepaid services, including prepaid calling cards, and will not require any deposits from its retail customers.

*(24) Federal tax identification number and South Dakota sales tax number.*

24. Federal tax identification number: **62-1805864.**

South Dakota state sales tax number: **Not applicable for sales to schools and libraries.**

II. In support of its application for interexchange service, ENA submits the following responses to the Commission's requests for information in rule 20:10:24:02:

(1) *The applicant's name, address, telephone number, facsimile number, web page URL, and E-mail address.*

**1. See response 1 in the section above.**

(2) *A description of the legal and organizational structure of the applicant's company.*

**2. See response 2 in the section above.**

(3) *The name under which the applicant will provide interexchange services if different than in subdivision (1) of this section.*

**3. See response 3 in the section above.**

(4) *A copy of the applicant's certificate of authority to transact business in South Dakota from the Secretary of State.*

**4. See response 5 in the section above.**

(5) *The location of the applicant's principal office, if any, in this state and the name and address of its current registered agent, if applicable.*

**5. See response 4 in the section above.**

- (6) *A list and specific description of the telecommunications services the applicant intends to offer.*
- 6. See response 8 in the section above.**
- (7) *A detailed statement of how the applicant will provide its services.*
- 7. Through agreements with underlying carriers such as Level 3, ENA will offer fixed, interconnected VoIP service to customers located in the service territory of CenturyLink in South Dakota.**
- (8) *A service area map or narrative description indicating with particularity the geographic area proposed to be served by the applicant.*
- 8. See response 9 in the section above.**
- (9) *For the most recent 12 month period, financial statements of the applicant including a balance sheet, income statement, and cash flow statement. The applicant shall provide audited financial statements, if available.*
- 9. See response 12 in the section above.**
- (10) *The names, addresses, telephone number, facsimile number, E-mail address, and toll free number of the applicant's representatives to whom all inquiries must be made regarding complaints and regulatory matters and a description of how the applicant handles customer service matters.*
- 10. See responses 10(b) and 17 in the section above.**

(11) *Information concerning how the applicant plans to bill and collect charges from customers.*

**11. See response 18 in the section above.**

(12) *Information concerning the applicant's policies relating to solicitation of new customers and a description of the efforts the applicant shall use to prevent the unauthorized switching of interexchange customers.*

**12. See response 19 in the section above.**

(13) *Information concerning how the applicant will make available to any person information concerning the applicant's current rates, terms, and conditions for all of its telecommunications services.*

**13. See response 21 in the section above.**

(14) *Information concerning how the applicant will notify a customer of any materially adverse change to any rate, term, or condition of any telecommunications service being provided to the customer. The notification must be made at least thirty days in advance of the change.*

**14. See response 22 in the section above.**

(15) *A list of the states in which the applicant is registered or certified to provide telecommunications services, whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the*

*appropriate regulatory agency in the states where it is registered or certified, and a detailed explanation of why the applicant is not in good standing in a given state, if applicable.*

**15. See response 16 in the section above.**

*(16) A description of how the applicant intends to market its services, its target market, whether the applicant engages in any multilevel marketing, and copies of any company brochures used to assist in the sale of services.*

**16. See response 14 in the section above.**

*(17) Federal tax identification number and South Dakota sales tax number.*

**17. See response 24 in the section above.**

*(18) The number and nature of complaints filed against the applicant with any state or federal regulatory commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered.*

**18. See response 20 in the section above.**

*(19) A written request for waiver of those rules the applicant believes to be inapplicable.*

**19. See response 23 in the section above.**

*(20) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide*

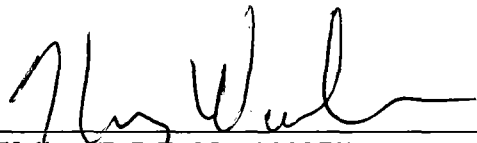
*the interexchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.*

**20. See response 25 in the section above.**

**Conclusion**

WHEREFORE, ENA request that the Commission grant its Application for a Certificate of Public Convenience and Necessity to provide competitive, local exchange and interexchange telecommunications services throughout South Dakota in those service areas where competition has been authorized.

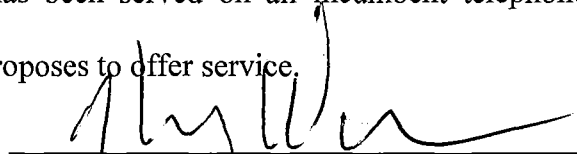
Respectfully submitted,



Henry Walker (B.P.R. No. 000272)  
Bradley Arant Boult Cummings, LLP  
1600 Division Street, Suite 700  
Nashville, TN 37203  
Phone: 615-252-2363  
Email: [hwalker@babbc.com](mailto:hwalker@babbc.com)

**CERTIFICATE OF SERVICE**

I certify that a copy of this application has been served on all incumbent telephone companies operating in service areas where ENA proposes to offer service.

  
Henry Walker